

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NATIONAL LABOR RELATIONS BOARD,

Petitioner,

Hon. Janet T. Neff

v.

Case No. 1:10-mc-00010

RANDOM ACQUISITIONS, LLC,

Respondent.

REPORT AND RECOMMENDATION

On May 10, 2010 (Dkt. 11), Respondent Random Acquisitions, LLC and Additional Respondent Timothy Hogan were held in civil contempt of court ("contempt adjudication") for failing and refusing to produce documents and to provide affidavit testimony pursuant to NLRB Subpoenas Nos. B 5 7293 7 & B 5 7293 8, as previously ordered by this Court on February 23, 2010 (Dkt. 6). The contempt adjudication (Dkt. 11) required that respondents reimburse petitioner for its costs and reasonable attorney fees incurred in initiating and prosecuting the contempt action. Petitioner then filed a motion for determination of the amount of attorneys' fees owed by respondents (Dkt. 12). The undersigned ordered respondents to show cause by September 10, 2010, why petitioner's motion should not be granted (Dkt. 15). No response has been filed.

As such, it is recommended that Petitioner National Labor Relations Board's Motion for Order Setting Forth the Amount of Attorneys' Fees Pursuant to the Court's Order and Adjudication of Civil Contempt (Dkt. 12) be **granted**, and that the Court enter an order in a form similar to that

proposed by petitioner on July 28, 2010 (Dkt. 14) that respondents reimburse petitioner for costs and attorneys' fees in the amount of \$3,264.00 within 10 days following entry of the order.

Respectfully submitted,

Date: September 30, 2010

/s/ Ellen S. Carmody
ELLEN S. CARMODY
United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).